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65. The method as recited in claim 64, further comprising communicating the accounting to a cooperating computing environment for storage and display.

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66. The method as recited in claim 65, further comprising displaying the accounting in real-time as the computer game is being played.

REMARKS

Status of Application

Upon entry of this amendment, claims 49, 51, 54, 62, and 66 will have been cancelled, claims 47, 48, 52, 55, 56, 57, 59, 61, 63, 64, 65, and 67 will have been amended and claims 47-48, 50, 52-53, 55-61, 63-65, and 67 will be pending. Claims 47-54, 59, and 61, stand rejected under 35 U.S.C. § 112, paragraph 1 as allegedly containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which is it most nearly connected, to make and/or use the invention. Claims 47-54 stand rejected under 35 U.S.C. §112, Second Paragraph, as being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Claims 47 -68 stand rejected under 35 U.S.C. 103(a) as being allegedly obvious over United States Patent 6,119,229 (*Martinez et al.*) in view of United States Patent 6,385,592 (*Angles et al.*), in view of happypuppy.com.

In view of the foregoing amendments and following remarks, Applicant respectfully requests reconsideration of the present application and an early Notice of Allowance.

Summary of the Invention

The present invention provides a system and methods allowing for the creation, integration, and transaction of cheating in gaming environments played via a computer. Specifically, the described system and methods provide a mechanism that **integrates**, in a game having a set of rules, a second set of rules that allow for the cheating of the game rules as the game is being played. The second set of rules are accessed only through a transaction wherein consideration is exchanged. The invention further provides features and operations to track each instance the second set of rules are invoked.

35 U.S.C. § 112, Paragraph 1 Rejection

The Examiner has rejected Claims 47-54, 59, and 61 as allegedly containing subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is mostly nearly connected, to make and/or use the invention. Specifically, the Official Action states that the disclosure does not support the limitations, “executing the transactions occurring when at least on of the predefined rules is circumvented”, “associating the number of executions to the identified computer game session,” and “bill amounts aggregated on a per game basis,” found in claims 47-54, 59, and 61.

Applicant respectfully submits that this rejection is now moot with respect to claims 49, 51, and 54 as they have been cancelled. With respect to claims 47-48, 52-53, and 61, Applicant

respectfully submits that this rejection is no longer appropriate as the rejected claim limitations have been deleted through claim amendment.

From the foregoing, it is appreciated that claims 47-54, 59, and 61 of the present application meet the requirements of 35 U.S.C. § 112, first paragraph. On this basis, Applicant respectfully requests that the 35 U.S.C. § 112, first paragraph rejection be withdrawn.

35 U.S.C. § 112, Paragraph 2 Rejection

The Examiner has rejected claims 47-54 as being allegedly indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner suggests that the limitation, “executing the transactions occurring when at least one of the predefined rules is circumvented,” is awkward and hence the intended meaning is not clear.

Applicant respectfully submits that this rejection is no longer appropriate as the claim limitation in question has been deleted from the rejected claims by amendment.

From the foregoing, it is appreciated that claims 1-43 of the present application meet the requirements of 35 U.S.C. § 112, second paragraph. On this basis, Applicant respectfully requests that the 35 U.S.C. § 112, second paragraph rejection be withdrawn.

35 U.S.C. § 103(a) Rejections

Prima Facie Obviousness

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art to modify the reference or to combine reference teachings. Further, there must be a reasonable expectation of success after combining the references the intended purpose of the invention is realized. **Lastly, the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Applicant respectfully submits that a *prima facie* case of obviousness has not been made for claims 47-68 of the present application.

Claims 47-68 have been rejected under 35 U.S.C. § 103(a) as being allegedly obvious over *Martinez et al.*, in view of *Angles et al.*, and further in view of happypuppy.com. Applicant respectfully submits that this rejection is improper for the following reasons.

Happypuppy.com Not Prior Art

Applicant respectfully submits that the website happypuppy.com is not an appropriate prior art reference as the exact priority date of those portions of the website that are being asserted by the Examiner is unascertainable. Specifically, in most recent Official Action, the Examiner merely provided to Applicant a URL address for this prior art reference without providing a hardcopy of those portions of the website that the Examiner considered to be prior art. First, Applicant is at a loss to determine which portions of this website the Examiner intended to be prior art to the present application rendering it difficult to traverse such rejection. Secondly, and more importantly, this site fails as prior art, as the priority date of the content

being asserted is completely unascertainable. Websites, by their nature, are constantly updated with new content. As such, without date certain proof showing a date for the asserted content, Applicant cannot determine if the website content asserted by the Examiner as prior art indeed predates Applicant's date of application and should be considered prior art. For these reasons, Applicant respectfully submits that this asserted reference fails to be prior art against Applicant's application and should be withdrawn.

Martinez et al. in view of Angles et al. in view of Happypuppy.com

The Examiner has rejected claims 47-68 as being obvious in light of *Martinez et al.* in view of *Angles et al.* and further in view of *Happypuppy.com*. The *Martinez et al.* references is directed to a system and methods for transacting virtual property in a computing environment. The virtual property being transacted includes, *inter alia*, behaviors, abilities, and levels within a gaming environment. The *Angles et al.* reference is directed to a system and methods for delivering interactive advertisements in a computing environment. Lastly, as described above, *Happypuppy.com*, is a website providing gamers with information, including game hints, for various computer games. Notwithstanding the arguments presented above for withdrawing the *Happypuppy.com* reference, Applicant traverse the Examiner's rejection based on the *Happypuppy.com* reference.

The Examiner suggests that the teachings of the *Martinez et al.*, *Angles et al.*, and *Happypuppy.com* references render the present invention obvious as *Martinez* teaches an

electronic transaction system of virtual property including game related items, and when combined with *Happyuppy.com*, the combination teaches the transaction of cheats in game environments. The Examiner suggests that this combination teaches all of the limitations of claims 47-68.

In contrast to claims 47-68 of the present application, *Martinez et al.*, *Angles et al.*, and *Happyuppy.com*, alone, or in combination do not teach all of the limitations of the claims of the present application. Specifically, this combination of references do not teach **a system or method for cheating in a game having a set of rules, wherein the cheating is accomplished by accessing a second set of rules that are integrated within the game, and wherein the access to the second set of rules is only realized through a transaction wherein consideration is exchanged.** The combination of *Martinez* and *Happyuppy.com* and *Angles et al.* **fails** as the combination does not contemplate *the integration of a second set of rules that assists users to cheat and where the second set of rules is only accessed through a transaction.*

Moreover, *Martinez et al.* explicitly teaches away from allowing cheating or transacting cheating in a game which supports the notion that *Martinez* lacks **any motivation to combine** with a reference that teaches cheating in a gaming environment. Applicant points to cols. 27 and 29 of the *Martinez et al.* reference for such explicit recitation. Specifically, in col. 27, line 34, wherein *Martinez* recites “It is desirable to resist several kinds of cheating”. Moreover, in the same column, line 65, “... the Transactor system to resist unauthorized creation, queries, and unwanted transfers at all times ... the cheating to be caught later.” Not only does *Martinez* teach away from promoting cheating, it actually teaches a system to *monitor and detect* cheating which

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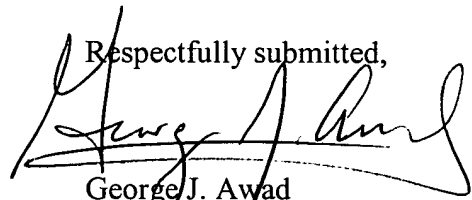
is counter to the intended use of Applicant's invention, which is intended to promote and transact cheating. The teaching of detecting and preventing cheating is further described , in col. 29, line 40, wherein, "[the transactor system] will try to guarantee that no cheating done in the local game ... can allow cheating in the global game."

For the foregoing reasons, Applicant respectfully submit that claims 47-68 are not obvious over the recited combination of references. Accordingly, Applicant respectfully requests that the 103(a) rejection be withdrawn.

CONCLUSION

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version With Markings To Show Changes Made."

Respectfully submitted,



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

Please CANCEL the following claims, WITHOUT PREJUDICE:

49. (Cancelled) ~~The method as recited in claim 48, wherein the step of executing the mechanism comprises the steps of:~~

~~offering to a user the ability to circumvent at least one of the predefined computer game rules; and~~

~~upon receiving an indication of accepting the offer, activating the ability such that the at least one of the predefined game rules is circumvented.~~

51. (Cancelled) ~~The method as recited in claim 50, wherein the step of tallying the number of executed transactions comprises the steps of:~~

~~identifying a computer game session for which transactions are being executed; and associating the number of executed transactions to the identified computer game session.~~

54. (Cancelled) ~~A computer readable medium having computer readable instructions to instruct a computer to perform the steps of claim 52.~~

62. (Cancelled) ~~The module as recited in claim 61, wherein the bill amounts are aggregated on a user basis.~~

66. (Cancelled) ~~The method as recited in claim 64 further comprising aggregating invoked predefined rule breaking opportunities and associating bill amounts to each of the opportunities to generate an accounting.~~

Please amend the claims as follows:

47. (Amended) In a [computer-based gaming environment wherein a game having predefined rules] game having a set of rules is played via a computer, a method [allowing at least one of the predefined rules to be circumvented through the execution of a transaction, wherein the transaction entails the exchange of consideration] for cheating, comprising:

integrating within the [gaming] game [environment] a mechanism [to circumvent at least one of the predefined rules of the computer game through the execution of a transaction, wherein the integrating step entails operating the mechanism to circumvent the predefined rules while the game is being played] providing a second set of rules, wherein the second set of rules allows for the set of rules to be cheated [; and],

wherein the second set of rules is only accessed through a transaction entailing the exchange of consideration;

receiving a request for access to the second set of rules; and

executing the transactions [occurring when at least one of the predefined rules is circumvented] resulting from the received requests.

48. (Amended) The method as recited in claim 47, further comprising:

[executing the mechanism to circumvent at least one of the predefined computer game rules to generate at least one executed transaction; and]
tracking the executed transactions.

52. (Amended) The method as recited in claim 51, further comprising:

associating bill amounts for each [of the offers] instance the second set of rules is accessed [to circumvent at least one of the predefined rules], wherein the bill amounts depend on which rule of the second set of rules is being accessed; and
aggregating the bill amounts based on the tallied executed transactions.

55. (Amended) In [a computer] game played via a computer having a set of rules, a module allowing for the cheating of the game through the execution of a second set of rules such that access to the second set of rules is only accomplished through a transaction wherein consideration is exchanged [the pre-defined rules of the computer game to be circumvented as part of a transaction, wherein the transaction entails the exchange of consideration], comprising:
an integration object, the integration object providing seamless integration between the module and the [computer] game such that the second set of rules operate in the game to allow cheating of the set of rules; and

a transaction object, the transaction object [having at least one instruction to instruct the computer game to offer at least one predefined rule breaking operation, the at least one predefined rule breaking operation allowing predefined rules of the computer game to be circumvented and wherein the transaction object further comprises at least one instruction to

transact instances when the predefined rule breaking operation is invoked] transacting instances
where the second set of rules are accessed.

56. (Amended) The module as recited in claim 55, further comprising a communication object, the communication object having at least one instruction to instruct the [computer] game to communicate information representative of [invoked predefined rule breaking operations] cheating operations to a cooperating computing environment.

57. (Amended) The module as recited in claim 56, wherein the communication of the [invoked predefined rule breaking] cheating operations information is communicated over a communications network..

59. (Amended) The module as recited in claim 55, [further comprising an accounting object, the accounting object keeping a running tally of invoked predefined rule breaking operations, associating bill amounts to each of the invoked rule breaking operations, aggregating the bill amounts for the invoked predefined rule breaking operations] wherein the transaction object keeps a running tally of executed transactions, associates bill amounts to each transaction, and aggregates the bill amounts for all of the transactions.

61. (Amended) The module as recited in claim 59, wherein the bill amounts are aggregated [on a computer game session basis] while the game is being played.

63. (Amended) In a computer game having [predefined] a set of rules, a method to allow [the breaking of the predefined rule breaking operations] cheating through a transaction, wherein the transaction entails the exchange of consideration, comprising:

creating a second set of rules that cheat the game set of rules, wherein access to the second set of rules is only realized through the execution of a transaction;

identifying predefined rule breaking opportunities in the computer game;

integrating in the computer game operations that allow the breaking of predefined rules, wherein the integrating step entails offering the operations as the computer game is being played; and

transacting instances where the predefined rules are broken when the computer game is played.

64. (Amended) The method as recited in claim 63, further comprising associating a bill amount for [each predefined rule breaking opportunity and accounting for predefined rule breaking transactions] obtaining access to one or more of the second set of rules and tallying and performing an accounting of each instance when one or more of the second set of rules is accessed.

65. (Amended) The method as recited in claim 64, further comprising communicating the accounting [of predefined rule-breaking transactions] to a cooperating computing environment for storage and display.

67. (Amended) The method as recited in claim 6[6]5, further comprising displaying the accounting in real-time as the computer game is being played.